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59. (amended) An immunoconjugate that comprises [the] an antibody [of claim 45] joined to a therapeutic agent, wherein the antibody comprises an immunoglobulin or antigen-binding fragment thereof that specifically binds to a Lewis Y cell membrane antigen of a carcinoma cell, wherein upon binding of the antibody to the carcinoma cell, the antibody is capable of being internalized within the cell.

Please add the following new claim:

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--93. The immunoconjugate of claim 59 wherein the Lewis Y cell membrane antigen comprises a fucosylated variant of a Lewis Y antigen.--

REMARKS

Claims 45-92 are currently pending. Applicants hereby elect Group II (claims 59-65, 71 and 86), with partial traverse as discussed in greater detail below, and cancel claims 45-58, 66-70, 72-83, 85 and 87-92 without prejudice to the filing of any divisional, continuation, or continuation-in-part application. Applicants traverse the restriction of Groups II and IX (claim 84) into distinct inventions, and respectfully request that claim 84 be joined to the elected claims for examination at this time. Claim 59 has been amended solely to correct improper dependencies on non-elected claims that are the consequence of the present election in response to a restriction requirement. New claim 93 depends from claim 59 and recites the further limitations of non-elected claim 56. Support for these amendments may be found in the specification, for example, at page 31, line 14 through page 32, line 8 (and references cited therein); at page 37, line 30 through page 38, line 18; and at page 116, lines 3-37. No new subject matter has been added.

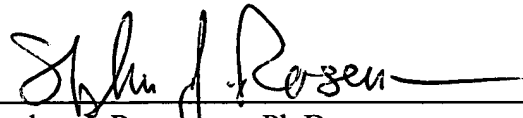
The Action alleged that the subject matter of Group II (claims 59-65, 71 and 86) is distinct from that of Group IX (claim 84) solely on the basis of classification into distinct classes and subclasses, without more. Applicants therefore respectfully traverse the restriction of Groups II and IX and submit that no undue burden would be placed on the Examiner to join the single claim of non-elected Group IX (claim 84) to elected Group II. The invention is directed, in pertinent part, to an immunoconjugate that comprises an antibody joined to a therapeutic agent, wherein the antibody comprises an immunoglobulin or antigen-binding fragment thereof that specifically binds to a Lewis Y cell membrane antigen of a carcinoma cell, wherein upon

binding of the antibody to the carcinoma cell, the antibody is capable of being internalized within the cell. Claim 84 is directed in pertinent part to a method for treating a subject suffering from a malignant disease characterized by cells having the Lewis Y cell membrane antigen to which such an antibody binds, comprising administering to the subject an effective amount of the subject invention immunoconjugate.

Accordingly, applicants respectfully submit that the restriction of elected Group II and Group IX into distinct inventions is not required where concurrent examination of both groups in the present application would not create a serious burden on the Examiner. In this regard, applicants submit that the scope of the prior art is limited as it may relate to an immunoconjugate comprising an antibody which comprises an immunoglobulin or antigen-binding fragment thereof that specifically binds to a Lewis Y cell membrane antigen of a carcinoma cell, wherein upon binding of the antibody to the carcinoma cell, the antibody is capable of being internalized within the cell. Applicants therefore believe that in the course of conducting a search directed to such an immunoconjugate, the Examiner would invariably identify within this highly focused art area any art that may be relevant to the claimed method of treatment with such an immunoconjugate. Thus, applicants submit there would be no undue burden on the Examiner, much less a serious burden, to examine elected Group II along with examination of claim 84, the lone claim of Group IX.

In view of the above election, applicants hereby cancel claims 45-58, 66-70, 72-83, 85 and 87-92 without prejudice to the filing of any divisional, continuation, or continuation-in-part application. For reasons discussed above, applicants also respectfully request that the requirement that applicants separately prosecute Group IX in a divisional application be withdrawn. Consideration of the elected claims is now requested.

Respectfully submitted,
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